



## Registry Matters Podcast

Episode 141

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Andy 00:00

Registry Matters is an independent production. The opinions and ideas here are that of the hosts and do not reflect the opinions of any other organization. If you have a problem with these thoughts, fyp. Recording live from FYP Studios, east and west, transmitting across the internet. This is Episode 141 of Registry Matters. Are we at your age yet Larry? Seems like we should be

Larry 00:25

Getting close. You got another 30 episodes to go.

Andy 00:28

Okay, so you're in the 170 range. Okay, I got it. (Larry: Yep. So it's not long now.) We should not beat around the bush at all because there is a treasure trove of content. We got a decision to talk about, we got voicemails, we got a new segment we're introducing, we got all kinds of crap going on. And also, I think this is the third week in a row we have a Patreon extra piece. Some people say they like it, Larry.

Larry 00:54

I'm amazed. What are we going to be doing on the extra today?

Andy 00:57

The extra is going to talk about the Let's use this term again, defunding the post office?

Larry 01:04

Defunding the post office.

Andy 01:06

Yes. So a quick little teaser, there's been like, has anybody like talked about the post office to any level of seriousness like ever other than when stamps go up, everyone loses their hair, their hair catches on fire, when they say stamps are going to go up by a penny or something like that? But given the current state of things that they're like the post office is all of a sudden all over the news. So we're going to have a little 10 or 20 minute chat about that.

Larry 01:30

Now just out of curiosity, what does that have to do with people PFRs, people forced to register? What does the post office have to do with that?

Andy 01:39

Ah, let's see here. Well, you would receive your registration notification by mail. That would be one thing. But as far as like, we've been doing these extras and they are at best two or three degrees, tangentially removed from the registry. Maybe we're sort of teasing a second podcast idea. Maybe.

Larry 01:58

that's kind of what we're doing. People who want to know, people who want to know we're actually giving some political insight into issues that are a little bit beyond those forced to register. But they do tie together indirectly because politics and general philosophical beliefs tend to translate to policies that may not be beneficial to the post office as well. The same the same people who believe in harshness on the registry that also believe in

defunding the post office those things may run together. But anyway, we'll get into that in that segment. If you haven't become a patron yet, and you want to hear something juicy like the post office, better sign up.

Andy 02:41

You set it up and you walked right into it. So I'm glad you did that. I was gonna say and how do people get these Patreon extra episodes, Larry?

Larry 02:51

They become a supporter of Registry Matters at \$1 a month or at the various levels up to 1200 dollars a month.

Andy 02:58

Or higher Larry. It doesn't have to be a maximum of \$1200. It could be higher. It could be \$12,000, \$12 million. We have a full house in chat too, by the way.

Larry 03:08

Do you have a box that says indeterminate amount monthly. I didn't know that.

Andy 03:13

You could sign up at the \$1 like that level and you can change the dollar figure to be whatever you want.

Larry 03:19

I see. All right, well, that's how you do it. [patreon.com/registrymatters](https://patreon.com/registrymatters) sign up as little as \$1. And you'll get early distribution. Usually, Sunday and you'll you'll be provided the extra content that we've been working on.

Andy 03:37

All righty. Well, then let's dive right on in. Oh, wait, I need to start that over. Was this like late breakings, like over the top awesome news that we got to cover tonight?

Larry 03:54

Well, it's late breaking because it happened within two days of recording. And since we record weekly, we consider anything within a day or two to be late breaking. We're not like the Fox or the CNN news channel where we're on all the time. So this is late breaking. There is a long-awaited decision regarding registration in the state of Colorado. And it's been pending for years. The appeals been pending since 2017. And the the decision was finally announced on Thursday. And we're going to go into a fairly deep dive later in the podcast. But it did not go favorably for us. And it was very disappointing. And we had put a lot of effort into it. NARSOL had put a lot of effort into it. And the even the ACLU undertook the appeal after the case was originally decided at the lower court so that that's going to be a good unpacking, coming up shortly.

Andy 04:51

And like you said, so it's great news for our people, and they're going to be super excited dancing in the streets, but no, maybe not. Maybe not quite like that. Right?

Larry 05:00

I don't think we're going to have a lot of dancing on this one.

Andy 05:04

Alrighty. Um, so I think my show notes are off. Did you want to go right into the conversation with Justin from Tennessee? Are we going to cover that later?

Larry 05:12

Let's go ahead and do that now. Justin, Justin is a great patron, great supporter and a really nice guy. And, and he had put in a request a little over a week ago, and I had to punt last week because I hadn't gotten in touch with him. And at that level of support, he's entitled to a conversation. And I decided that I better call him last night before this episode. And he brought up something that I thought would be helpful to others. And, and that those are the type of questions we really like. Because if you just have your unique problem, that doesn't affect anybody. There's no podcast in the world that can unpack individual problems. But if you have a generalized issue like he raised, I thought, well gee thought would be good. Do you mind if I talk about that on the podcast? He said no. So he was he had been talking, thinking about what state to move to which we don't encourage state shopping. That's something that people do on their own volition. But he he has been thinking about states and he came up with the possibility that he might want to leave Tennessee where registration is pretty harsh, plus, I think, a \$200 annual fee and he thought he might want to go to Vermont. And he said, but I would be screwed under Vermont law. And I said, Why? And he said, Because Tennessee's got me as sexually violent. I said, Well, really? I said, Did you go through an adjudicatory process where you determined, and he said, my conviction was with the military. So what what, that's nice, but what my question is, have you gone through a process where you've gone through either an Administrative Tribunal, or have you gone through a court process where they have rendered that title to you of being a sexually violent predator? He said no. I said that's what Vermont is talking about. That's what they're referring to, when they apply different rules to people that have been adjudged to be a sexually violent predator. And I said, so you are instilling fear into yourself that you don't need to have in terms of that component of Vermont's registry because it won't apply to you. They simply, because Tennessee declares everything to be sexually violent as far as a categorical approach, that doesn't magically make you a sexually violent predator under the process of being declared a sexually violent predator, which is usually done by a court proceeding, but sometimes by an administrative one, but but there's a process to do that. So I put in the show notes the appropriate statute out of Vermont where we can actually send that to him, but it goes through the process of how that determination was made, what the burden of proof is. So, Justin, if you're still thinking about going to Vermont, this would not be the impediment. If you have not been found and declared to be a sexually violent predator under some process where you were a participant, and you were able to offer rebuttal evidence, and there was a conclusion at the end of that process that you were a sexually violent predator.

Andy 08:16

Larry?

Larry 08:17

I'm here waiting on you.

Andy 08:18

Okay, I heard like a loud windows bomb noise and I wasn't sure if you evaporated.

Larry 08:25

I was trying to figure out how to kill that after I heard it. But But yes, that's that's what Justin, he doesn't have that particular fear. Now, there's been no analysis done of anything beyond that, because I told him we would work on figuring out if either of the two decisions that we've talked about recently in Tennessee, would offer him any hope of relief, the Roush decision, which we talked about some time back, and then the Reed decision, which we talked about last week, but in terms of his fear, that fear is unfounded.

Andy 08:54

And so that will also that'll be in the show notes. If you're looking for it Justin, it'll come out midnight on Tuesday. Unless of course I press the wrong button and release stuff early, right, Larry?

Larry 09:04

Yeah, midnight monday is usually when it comes out. This past episode got out Sunday night because you were traveling and you got confused.

Andy 09:13

Yeah, I pressed the wrong date. Stupid hotel. Yeah, so you can find it in the show notes on the website. Not on the YouTube, YouTube came out early by accident. I just the crazy date thing like so. You know, look, just to clarify, I release it at 23:59. So I literally release it at 11:59 on Monday night. So it comes out effectively, it's there on Tuesday. And I pick the so but the YouTube thing is at 12am. So the date is different from that perspective. Anyway, it's just what I've been doing for a year and a half and it's confusing. Anywho are we going to move on now?

Larry 09:47

I think we can move on. This is a, this is a video, audio, whatever it is, that I put in from KFox14 in El Paso, TX.

The segment from Fox 14 news in El Paso was cut for space. The news story was regarding the decline in the number of applicants seeking to become police officers in El Paso. Police leadership attributed the decline from a usual pool of around 5,000 to 2,600 to the ongoing protests. The story failed to mention the pandemic as a possible cause because training involves close physical contact. Also, it did they failed to mention that that 2600 applicants is more than sufficient to fill a cadet class of 34.

Andy 20:21

All right, I think we we can move on to an article from KSL.com says Utah Supreme Court says children don't have to testify against abusers ahead of trial. Is this an Eighth Amendment thingamabobber, Larry?

Larry 20:37

No, well you will eventually get to confront your accuser if probable cause is established. And I was talking about how

probable cause is a very low threshold showing and oftentimes attorneys waive it because it's a perfunctory conclusion. In Arkansas it's established because the prosecutor says there's probable cause that's really about all there is to it. But in our state, you have the right to have a grand jury or preliminary hearing where the court determines there's probable cause. But in order for this to be a bad decision, they would have to extinguish your right to confront your accuser. And they haven't done that they have said that, that at the early stage of the proceeding, that that the person the alleged victim doesn't have to come forward. Now remember the state has to at least make that threshold showing of probable cause. And it would behoove them to call that witness if they needed to, to make that threshold showing to keep the case moving, because if probable cause is not established, the charge would be extinguished and that would be the end of it. So so the state will put on their witnesses enough sufficiently to establish probable cause. So I don't see this as a significant It was a unanimous ruling. And I don't see this as very significant. Now those that are who say I've always sided with the victims. This is a major victory for the victims' advocates. But I don't think this does significant damage, if any damage at all to the process. So I'm not I'm not going to bash the victims' advocates this week.

Andy 22:00

This week, but But Your days are numbered, it's coming.

Larry 22:04

Well, as I've said, it's a policy thing. And and this, this, if this turns out to be a creeping reach if they come back, which they generally do, they're never satisfied with what they get. If they come back and want to extinguish the person's confrontation rights at trial, then I'm gonna have a whole different reaction, but right now I'm not overly concerned. But they do, there's one thing about victims' advocates you can count on. They never feel like they have enough. And you can watch that with whatever they do. We've brought I've been in the state nearly 40 years and we brought the drunk driving rate down dramatically. And their answer to it when the rate declines is to lower the BAC comp the blood alcohol content so that we'll have more people to drag in because they say that arrests are down and I say, Well, isn't that what we were striving for? Well, yes, but but you know, there's still more people doing it. So they want they brought it down from 10 to 08, .10 to .08 which has become pretty much the national standard. But now they want to bring it down even lower because we've still had fewer and fewer people being arrested. And I think that would be a good thing. Right?

Andy 23:09

Definitely.

Larry 23:11

But not to them it isn't. They want to still continue to have the same number of people arrested. And it's a solution in search of a problem.

Andy 23:23

Hmm, okay. Well, let's keep rolling, rolling rolling and we will take up an article from ksl.com Again, it says keep our children safe federal local police track down sex offenders. This was a they're looking for people that are not in compliance. Larry, there are only

8000 registrants pfrs in the Utah and they found a very small number of them they said 20% of the peoples so I guess that is that 1000? No that's not 1000 of the 8000. So they looked at 1000 people and they found they found 33 people now face pending charges. They They were looking for people that were living where they weren't supposed to. They were just looking for like technical or their special condition violations. Why do the people have to go out and look for our people like trying to make a living and make things work?

Larry 24:15

Well, I'll say this, this will annoy some people, because they have the money from the federal government to do it. This is a funded thing by the federal government since the AWA passed in 2006. There there has been funds available shortly thereafter to do address verifications. One of the arguments made in AWA for the AWA in Congress, was that there were 100,000 missing sex offenders. And I have never contested that number because I don't know what the number really was. And I do know that people had decided to exempt themselves by moving across state lines. But this was the solution. Congressional testimony one of the one of the supporters and I don't remember if it was the House or the Senate but I remember I was watching the Hearing and he said, we do a better job tracking library books than we do sex offenders. So this is this is what the reason why this happens is because local law enforcement, state law enforcement, the people who believe in small federal government, they want the federal funding so they can go do this. And they collect a big amount of money to meet the federal criteria of what constitutes a residency check. So, you want to know why it happens because there's money to make it happen, that's why.

Andy 25:30

so it says this is one of the people I guess like one of the officers who says this is a big deal and operation like this sends a message to the PFRs that law enforcement is watching if you don't register and don't pay attention to the law, we'll come get you. More scare tactics, but legit ones too I should say.

Larry 25:53

Yes, that's that. That's that's what it gets down to is money. The old adage of follow the money and This is what they're doing is following the money.

Andy 26:03

Alright then I have no idea what Red Lake news is but this is from Red Lake news and it says contractor loses deal after VA discover he's a PFR. He had his crime from some 13 years ago. And he has just like a janitorial contract he's secured \$700,000 in federal contracts provide cleaning services at a VA hospital and they did some background check and found that he's one of our people and they said yeah, nevermind.

Larry 26:34

so much for competitive bidding.

Andy 26:37

Will says that USA Today dug that up as well. Okay, so that's that's what that person was. I remember hearing that particular situation. I didn't realize it was this one.

Larry 26:47

Yeah, that well, but so much for competitive bidding. Apparently, this under the competitive bidding process was the best contract but we can't have that. And you know what they'll do? We talked about it in preshow, but what they'll do is they'll change the application process they'll say, because they had modified the application to have a look back period that was relatively short comparatively. But what they'll do is they'll leave the look back period the same for other offenses, but they'll say, the look back period for a sexual offense is longer. Have you ever been, so they'll make it have you ever been convicted of a sexual offense? Or have you been convicted of any other felony within less whatever year? That's what they're gonna do? That'll be their fix.

Andy 27:27

And I just I just have to bring this up as being obligatory like we have to Geez, like, could the person have a louder muffler drive by? So we want people to pay their debt to society and come out and we want them to be upstanding citizens and live in a cardboard box under the bridge?

Larry 27:46

I have not figured that out Andy. I've really been troubled by the by inability to comprehend. My analysis is so flawed apparently. But I want people when they come out after we've spent a bunch of money on them. I don't want to us spending all that money. So I don't want as many people going in. And I don't want them staying as long. But when they finally do come out, I want them working and paying taxes, because there are people who have their hands out for all the services that government provides. And I don't want those people to be one of those who were the handout. I want them to be handing stuff in, so that people that have the hands out can collect. And I've struggled to figure out where I'm going wrong here. I want you to paying taxes after you've been in prison.

Andy 28:32

Have you ever heard someone say that I'm a better than average driver? And the majority of people say that they're a better than average driver?

Larry 28:39

I've heard that. Yes.

Andy 28:41

And so if everyone is a better than average driver, then that would move the average up to be well, that would be what the average is. So if more people are on the bottom end of the average of whether they earn enough to contribute to the system versus like earning over what they would I there's some sort of median income where you are either like a person that takes from the system versus like Bill Gates earns way more, and he contributes more to the system than he's ever going to get out of it. So we would want more people above the average putting in then on the bottom end taking out of it.

Larry 29:12

Well, let's just bring it down way beyond Bill Gates, let's bring it down. The minimum wage, it's so low, the federal level is 7.25 an hour. So if you do 7.25, and we didn't do this in show prep, times 40. And then you do that times 52. You've got an annual salary of \$15,000. Let's just take Social Security, which is widely popular

with everybody. Everybody has their paw out when they turn retirement age wanting their cut, but in order for you to get paid, someone has to pay in. there has to be a collection of revenue of inflow to the system, because what you paid in is paying for the people that are collecting now so that that \$15,000 at current social security taxation rates, generates a tax of \$1,153 And then the employer matches that. So that's roughly 2200 dollars a year. That doesn't pay for one beneficiary. Now, I would much prefer you I, I don't know that fuzzy math, but I would much prefer you'd be making 90,000 a year because if you make 90,000 a year, and you pay 7.65%, look at the difference 90,000, don't put in too many zeros. times 7.65%, you're going to put in \$6,885 multiplied by the employer match. So all of a sudden, you've put enough money in to almost support one beneficiary. Now which is better for society, the 2200 or the 6800 times two, which would be might as well call it 14 thousand dollars. We're better off with you putting in \$14,000 into the system that everybody widely supports, and they have their hand out for their cut. we all benefit more if you earn more. I don't understand why people want folks failing and not earning money, I can't get that.

Andy 31:05

And just to double back around, I'm assuming that with a \$700,000 contract that this dude would then potentially hire five ish, something employees, maybe six or seven, maybe 10 employees, and then throw in the chemicals and all the stuff that they need and equipment. So like, I mean, this guy is like, quote, unquote, like creating jobs for people. Right?

Larry 31:24

That would be the argument that conservatives would generally make is it's a job creator, an entrepreneur, and they would want that. Yeah, I'd like to hear from Lindsey Graham, what does he feel about this? You know, he was actually moderately, not as strong as I'd like from him. But he was a moderate supporter of the first step act and made some very positive comments. I'd like to know what Lindsey Lindsey thinks. So anybody out there that has in South Carolina has his phone number, text him and find out what he thinks about this contract being terminated. And if he would register resentment on the Senate floor about it.

Andy 31:57

We will reach out to him as the podcast and see what he says.

Larry 32:02

Well, when he knows we've got thousands and thousands of listeners and his state, he's liable to respond to us.

Andy 32:08

It's very possible. All right, let's uh, let's i think i think we're we're here at the feature I think. I think

Larry 32:15

I think I think we are so we're going back to the what is the nickname for Colorado? I live there and I forgot what they are. What is the state of Colorado?

Andy 32:24

It's the mile high state. I have no idea dude. I don't know any of these these this is just not my, my forte to know what the slogan of a state is. So this is something that we covered some time ago. I

I don't remember. I don't know if I was helping produce the calls at the time. But so I do remember the NASOL in Action with the what's the lady's name? (Larry: Allison Rutenberg.) Alison Rutenberg. I remember she was superduper nice. She was she was great on the phone. She answered 8000 people's questions on the phone call. Everyone was super excited about this decision. It sounded like she did incredible, to me It sounded like she did an incredible job but you know, me being the lay person I think anybody that does this work does an incredible job and some interesting things anyway, so so the judge he he ruled in our favor. And so here's the decision so this was something from like 2017 that this went down and then we've just gotten this decision a couple days ago. Two days ago

Larry 33:26

that is that is correct it that it's indicative of how long these cases drag on and how how expensive they can be. and Allison I think was on maby twice I know for sure once but we did we did have her on on what would what used to be regular calls. And they've they've become very infrequent now because we do the podcast and then the the pandemic has, has directed our attention and energy elsewhere. But But yes, we had her on and she was a great guest and she did do a good job. A very good job with the resources she had. Remember, she stated on the call, she didn't have any resources. Remember that? She said I'm broke.

Andy 34:05

I do remember that and she got like, I mean, maybe even like she specifically selected people that were indigent?

Larry 34:13

Yeah, I'm not remembering that but I remember that she didn't have any money for experts and she elated that the judge did not want any experts.

Andy 34:20

Right that it wasn't a required piece. And she thought that it was okay to go about it without having that that, you know, spending 5, 10 thousand bucks for an expert to come in and the judge was okay with all that.

Larry 34:33

yeah, he didn't want to he flat out just didn't want experts and he, he wanted to hear from the Judge Richard has now deceased has been for I think, almost two years. And he was a Nixon appointee. For those who who didn't sit on that call. He was a Nixon appointee. And at the time he did that. My my assessment of him was that he really didn't care about all the appeal. He wanted to do the right thing from an emotional standpoint. And he did what he thought was right. But unfortunately, when you're when you're declaring a statute unconstitutional, right isn't enough. You have to have law on your side. And we're going to get into that when we go through we go through this decision, but but he did do the right thing. But the right thing was not supported by the law.

Andy 35:21

And you provided me with something of a cheat sheet that I have no intentions on reading on the air. Is there anything that like so then there's also some questions that we can combat around? Is there anything before we start hitting questions that you want to highlight from the cheat sheet?

Larry 35:36

No, I think we can go straight to questions because the what I've what I've cut and pasted from the from the decision is going to be converted to a blog that we're going to hopefully get out tomorrow or Monday on the NARSOL website. So that this is basically an advanced preparation for that and then I figure you would refer back to as you were doing the questions that that I would like to be And then there's questions that you have probably dropped in here as well.

Andy 36:05

Yes. So So this was filed in District Court, which I right off the bat have no understanding. This wasn't. Anyway, what is District Court like to begin with?

Larry 36:16

Well, District Court is, is in this particular case, it's referring to United States District Court. And I don't know the precise number of district courts, but that's what what is a trial level court for federal issues for federal criminal federal civil issues, and it's a court of general jurisdiction for federal claims. And within the federal system, there are other courts also you also have the magistrate court, the magistrate judge, and you have the bankruptcy court, but the this is a general jurisdiction of general subject matter jurisdiction, and this was a United States District Judge every state in the country has as US District judges, so that's that's what this was. Now in Colorado itself and New Mexico, most of the states have something that resembles well every state has a court of general subject matter jurisdiction. Some call it different like a Georgia calls it the Superior Court. Colorado, I think it's the district court, Michigan, I believe they refer to them as circuit courts, Arkansas circuit courts. We have district courts. So you have state district courts also. But in this case, it's a federal district court.

Andy 37:19

What? for the clarification, why didn't they file it just in the state court of Colorado? Because these are just state court people's?

Larry 37:29

Well, that's a good question. And those are strategic decisions that are made when you're when you're evaluating making a case. Attorneys have this crazy notion they like to get paid. And in federal court, there's an easier route to compensation as a prevailing party under under Section 1983 42. us code 1983. So that's one consideration. But it's not the only consideration. You have additional considerations that you're looking at how the case law is. So when you're if you're going to look at making a claim in Colorado State court, you'd look at how the state court has ruled on registration. And you might look at it and conclude that the doors closed based on a binding precedent from the state Supreme Court. And you might look at the federal court as the as the around the different circuits that the case law is evolving. And you might conclude that the type of claim you're going to make would have more of a chance in federal court. And then you also have the consideration of federal judges are insulated from the public in terms of the political ramifications of their decision. They do live in the communities, they do have kids and they but they do

not have to worry about reelection. And that gives someone additional, under article three, they're they're appointed for life, and that gives them additional insulation from the fact you don't have a Persky. There's nothing they can do. If Judge Richard was still alive, there wouldn't have been anything they could have done to him.

Andy 38:49

just and this is my own question. Where do you think if he were still alive, that that would have changed the outcome at all?

Larry 38:59

It could Have a I don't think so. It's a long shot. The panel, the three-judge panel was unanimous. And the way it could have changed it is that some judges through their service develop an enormous amount of respect. And when they go up on appeal, if they draw the right panel where there's where there's a respect level for that judge, they start with how do we affirm this judge? Because they respect the work that they've done. Well, when a person's deceased, there's two ways to look at two ways to look at it. You can respect their work by affirming them. Or you can say, well, gee, he's not going to know what if I if I flipped his decision. And so it could have but I think that being that it was a unanimous panel, that that probably didn't play much, if at all, in their thinking,

Andy 39:49

Alright, um, is there anything specific about the individual challengers that that would be important as to how the challenge went about? So the individuals are David Mallard, Eugene Knight and Arturo Vega.

Larry 40:04

That's correct. And I don't remember all the specifics of their individual circumstances, I think one was convicted as a juvenile. And that's all I particular member. I think that might have been Vega. I believe he was convicted as a juvenile.

Andy 40:19

I believe you're right. And then, so this took place in the 10th circuit as well. And how was that specific? There are 12 circuits in the countries or 13 I always get that number. It's either 11 plus DC or 12 plus DC.

Larry 40:32

It's 11 plus DC and the the 11th is actually the newest that's where you are the I don't think we've created, I'm certain we haven't created a circuit after the 11th. The 11th was a split off the the fifth used if you went way back, years ago, back to the 70s. If you had an appeal out of Georgia, able to go to New Orleans to the Fifth Circuit and they carved out that circuit when Jimmy Carter was President you have the 11th circuit and then you have the DC Circuit So Colorado is geographically in the 10th, and that's a very large these Western circuits are very large. I think the 10th, maybe the largest geographically, but the ninth is the largest in terms of population that that it serves.

Andy 41:12

Oh, okay. So 10th just in geography, but California is in the ninth. So that obviously has the most people. And that was just the left coast?

Larry 41:20

It covers the left coast. And I think I think Alaska and Hawaii are in there, if I remember Right, but yeah, it's it's the most populous and the the effort through the years have been to try to break that circuit up because it traditionally has been more liberal. And that has begun to change because of the Presidents that named the judges, just like the district court judges were appointed for life by the President. The Court of Appeals judges are appointed for life by the President and the supreme court justices are appointed for life by the President. And when you when you elect the president, you are impacting who's going to serve on these courts for a lifetime. And the younger the nominees are, the longer they're going to be there. And then right now there's been an accelerated effort to confirm as many as they possibly can. Because there's a chance that in this election, we may have a different president. So in the case of this administration, they kept the Republicans control the Senate, which is the confirming apparatus. They kept the lid on Obama in the, in the final couple years of his presidency, and they held up confirmations and, and then they have, so they started with a backlog, both at the circuit and district court level. And of course, they also started with the Supreme Court vacancy that they'd held for almost a year. But then they they, they did an accelerated confirmation they've been they've been on full blast and even during the pandemic, rather than looking at the Heroes Act passed by the House, they were busy rushing more judicial confirmations through so that, when you vote in November, if you like the type of decisions that you're getting, keep voting the way you've been voting because that's what you're going to get more of

Andy 42:56

a podcast that I used to listen to the I at the time, it He had predicted that it would be like 45% of the judicial nominees would be filled by the like he like half of the total in the four years would be appointed by Trump.

Larry 43:10

I don't think so.

Andy 43:12

Some ridiculously large number. At the time it was only like 30%. But you know, that was only that was a year ago that that was done and they're still still pushing them through like hot and heavy.

Larry 43:22

They are doing that, but I don't think it'll be that high. Now. If he were to serve eight years, that would certainly that would, that would be a realistic number. But in the in the case of the election, people need to take this seriously. Who's appointed to these courts, and what their judicial philosophy is has a lot of impact on where we come out of these decisions. And and so take it seriously when you vote.

Andy 43:45

Now, I know that the the judges themselves are nonpartisan and they just be they go by the law and they do their interpretation. But the reality is, is that they do have their own biases of this issue

that issue. Where Where would you call the 10th circuit to land as far as more liberal, more conservative?

Larry 44:07

I've not been really following the circuits as closely as I should have. But they've all taken a very rightward leaning in recent years. Now this one, I think, Robin did the analysis, and he said it was a one democrat of the three-judge panel, there was one democratic appointed and two republican appointments and and the, the, the democratic appointee voted the same way.

Andy 44:31

Yeah. It was unanimous.

Larry 44:33

I don't want to inject politics into this at this point, because I didn't I didn't see it in the decision I really didn't.

Andy 44:39

is how different is this from the case we discussed last week from Tennessee?

Larry 44:44

Oh, it's a it's a huge difference in what we talked about. First of all, that was a district court decision that was out of Tennessee they that would be the Reed decision. But Tennessee has a much more restrictive registry than what Colorado has. So you weren't doing the same comparison in Tennessee and Tennessee has the wind in their sails because they have Does versus Snyder out of the Sixth Circuit which is binding there. The Does versus Snyder case is not binding in the tenth. That's the Michigan decision and that's that is in no way binding. And it wasn't really all that persuasive because what Michigan requires, Colorado doesn't. The restrictions Michigan imposes, Colorado does not.

Andy 45:27

can we dig into that for a minute of like, like something in there in the reading of the of the decision was that they didn't word it this way. But the way that I'm taking is that they don't have for example, residency restrictions in Colorado. Did I did I catch that correctly?

Larry 45:44

That is correct. They don't.

Andy 45:45

Okay, so to me, one of the biggest disabilities and restraints that the pfrs would have is where you can plop your head every night. Also, that would then follow that where you can or can't work. And if Colorado doesn't have that, and they're trying to make The claim that this impairs their ability to get a job. But that would then move over to the private sector going well, we don't want this kind of person working there. That's not the government giving you the disability restraint.

Larry 46:13

That is correct. That's what the court found

Andy 46:15

that if you went to a Michigan State or a Tennessee or Georgia State where those things are in place, that is the government

saying that you can can't do these things. That would give you some sort of ground to stand on saying that this is some kind of disability restraint.

Larry 46:30

Yes, that is a verified analysis. And that's what what, when people when people get argumentative with me, which they frequently do, they say, Well, you must be some kind of dork. You don't understand that nobody will hire me. I say that is correct. I understand it completely. And I say But where does it say if we're asking that a law be stricken as unconstitutional? Where in that law does it say you're forbidden to work there? Well, Larry, it doesn't say that. I said Okay. Well, then we can't ask, we can't hold the law as responsible for that. The company chose not to hire you. And you do believe in the rights of companies to choose who they hire and fire? I mean, you don't want all that government intervention do you? And, and, and then, of course, they do want government intervention on this but the companies are making the decision as the court pointed out, to not hire or to hire, but it's not a Colorado restriction. You can work wherever you want to in Colorado. As far as the registry is concerned.

Andy 47:29

I understand. Ready to be a part of Registry Matters, get links at registrymatters.co. If you need to be discreet about it, contact them by email at registrymatterscast@gmail.com you can call or text or ransom message to 747-227-4477. Want to support Registry Matters on a monthly basis? Head to Patreon.com/registrymatters Not ready to become a patron, give a five-star review at Apple podcasts or Stitcher or tell your buddies at your treatment class about the podcast. We want to send out a big heartfelt support for those on the registry. Keep fighting without you, we can't succeed. You make it possible. Okay. But then what would be interesting? Should they then appeal this case? Is the next step for them to go to SCOTUS?

Larry 48:30

That would not be the next step Initially. you would file for reconsideration, which on a unanimous decision. It's hard to imagine that you could, if you didn't convince one of three, it seems a stretch that you would be able to convince two of three. I mean, I'm just looking at simple arithmetic.

Andy 48:50

I'm with you. I'm with you. I'm with you. Um, So you said they would file for some kind of review. Where would that be?

Larry 48:59

You would ask the panel to reconsider. I'm saying that realistically reconsider, because if you were not able to convince one of that panel to start with, it seems a far stretch that you would be so persuasive on reconsideration that you were convinced two of three. That means that means reconsideration probably is doomed. But you need to do that. but it's not going to work. Then you would ask that you would ask for a full court review. A hearing en banc.

Andy 49:32

okay. Okay. So then you'd ask the whole the whole judiciary panel up there in the 10th to look it over.

Larry 49:38

You would ask them and that is seldom granted, as well. We talked about it in the Flynn case where where it was granted by the DC circuit but that's seldom granted. And it's particularly unlikely today would grant it when there was no dissenting opinion again, if you didn't convince one person on a three judge panel, that's one of the arguments you would make for en banc review or for reconsideration, if you look at the dissent, I mean, Judge so and so I mean all of a sudden that becomes your argument for reconsideration and en banc Review. And you you hang that up there and say this is this is really important. This judge got it right. Well, you don't have that here. So you file that motion, those two motions are likely to die, being denied. and then you would be able to file a petition for US Supreme Court which would be which would be very unwise to do as well.

Andy 50:35

before you get to the reason why be unwise, they're going to get some many thousands of, of requests to grant cert, and they would then have to have four of the Supreme Court justices say that they would like to hear this particular case. So out of the I think it's something like 9000 or some number like that, and then they only hear 1% of those. They only hear something like 90-hundred cases a year. You would need four of those judges to agree to hear it. And what would be the damage if the Supreme Court did hear it and then confirmed the reversal of the decision?

Larry 51:13

It would be devastating, it would set us back a generation if they did that, and that's what they would likely do in this particular case, because this this registry is not nearly as punitive as what Michigan's was. Now they declined review on that one. They declined review on Pennsylvania. Our best hope would be that decline review on this one as well. But if they were to grant review on this one, what what the state Attorney General's, or attorneys general, they would argue that you would if a petition were be filed, now the state's not gonna file a petition because they won so that you would not want to risk your your victory so the state is as happy as a lark and the Attorney General of Oklahoma, which led the the group of of AGs from the The circuit has already pontificated about what a wonderful decision it is. But if if if the losing party were to follow cert petition, you would probably have amicus briefs come in from around from other AGs around the country. They would say, Oh, yes, you definitely want to hear this because they would want to have another bite at the apple to overturn Smith versus not Smith, but Does versus Snyder, because they would say there's a circuit split here because we've got this here in Michigan, and you US Supreme Court use only when they can settle this because we've got get one saying that it's not punitive, but we got one saying it is and please step in. And this would not be the case you wanted to step in on because there's a case in Alabama, that would be in the 11th circuit, the McGuire case, which the 11th hasn't decided yet. That's the case you'd want the Supreme Court to see because Alabama's registry is so debilitating. That's the way you want the cert petition to go to your Supreme Court. You do not want this one to go there.

Andy 52:57

Just you brought up Oklahoma dude and it says ruling is a major victory for public safety advocates. Attorney General hunter said sex offenders are violent. And statistically speaking, some of the

most likely to reoffend. online sex offender registries allow the public to know who among them is a child predator, or who has been convicted of rape. To hide this information in order to make individuals convicted of these crimes, feel more comfortable is utterly irresponsible. Anyone advocating for this position should talk to victims and survivors of these types of crimes, who will forever remain scarred by these horrific acts to find out why the registry systems are important. I think that he has the victims' advocates giving him money.

Larry 53:43

So well, there's a litany of more questions before we run out of time, there's a the headers were binding precedent, that that this the tenth circuit is bound by precedent that's already been established. And it's in the 10th circuit regarding registration. And then there's the argument that they made. It was banishment. And, of course, the Supreme, the Supreme Court, the 10th circuit soundly rejected the argument because it's not banishment.

Andy 54:17

And that's because government isn't banishing. Yeah. So the government didn't doesn't say that you can't live here, but the owner of the apartment complex or the whatever they they say you can't live here. And that's not the government banishing you. It's like, I do want to say that it's kind of splitting hairs because the government is pushing out the information that you are this and I'm not saying that that information is not factual. They're they're certainly creating some kind of bias. If it were race related, Larry, if they were like, Hey, we're publishing information that this person is black. Well, I'm not renting to black people. Like, okay, I know that we're not a protected class, but we're like, to me, it's just splitting hairs.

Larry 54:56

I don't think so. They banishment by I mean, our listeners are largely textualist or so they profess to be. this banishment is when, if you look at what banishment meant in colonial times, and we don't believe in that liberal mumbo jumbo of evolving standards of decency, banishment is when you're told to leave town and not come back. The Colorado sex offender registration Act does not tell you to leave town. It does not tell you not to come back. You're not banished from living any place you're not banished from town at all. And that if you're a textualist, which a lot of our listeners are, you would be, you would be applauding this because it is not banishment as as the framers of the Constitution understood that word to mean at the time, and we've played the Scalia clip over and over again, about textualism and how it's to be interpreted as the words what they would have meant at that time. Banishment is constitutional, but this is not banishment, as banishment was understood in colonial times. So magically now we've got people who believe in that liberal mumbo jumbo of evolving standards of decency.

Andy 56:09

I've referred back to this before Paul Dubbeling did a presentation I forget which conference it was. And he put a map up on the on the projector screen there and there were just bubbles drawn all over the place like you couldn't you couldn't go to the state capitol to go redress your grievances with the government because there was a daycare, maybe it was in the capital, but maybe it was like nearby at a shopping mall. But you couldn't go there because of

the bubble drawn. And you zoom out far enough and the whole map is just covered by all these red bubbles. Yes, they haven't banished you. They haven't said you can't live here but they said you can't live here, here, here, here, here, here, here, which effectively means you can't live kind of sort of anywhere except for that tiny little space under that bridge. Like it's banishment by a different means are different subtle words.

Larry 56:52

Well, first of all, that wasn't an issue in this case. There were there were some restrictions in Colorado but but again banishment as the framers understood banishment to mean at the time did not mean what you're trying to evolve it to mean now. It meant that you were told to leave town and not come back. If you are textualist, who believes that we should interpret based on how the words would have been defined and what they would have meant at the time, you cannot evolve that to include what you're trying to do. That is not textualism because it's not banishment, as the framers understood that word at the time now, do you all of a sudden believe in evolving What what words meant that were written that long ago?

Andy 57:43

I personally ascribe to the idea that things probably do evolve, maybe not very rapidly, but I have I'm inclined to believe that they what they wrote in 17 and change has something different of a meaning today in 2020.

Larry 57:58

And so you're not a textualist

Andy 58:00

I don't, so if you say that you have the right to Well, I'd be like, I'm trying to see how we could twist the wording of you have the right to confront your accuser. Like, I don't see how those words can be twisted, but the right to bear arms, I think, carry some differences of based on what they knew then about weapons versus what they know. Now, same thing like you don't have an absolute right to freedom of speech, you don't have an absolute right to bear arms. So like the word banishment of 200 and change years ago would mean something because what was the population in 17 and change like there were probably like a million or something people in the United States like it would not be hard to go find somewhere else to live. And you could just go move on to some land somewhere and now you go make your foods and whatnot, but we need, people very rarely live off the land. They don't homestead in today's world. They live in a society where you need grocery stores and gas stations and jobs and like if there are churches nearby and you can't live near them and I know that this isn't the case of this but like, you know, it's banishment by a different set of words or terms or just definition.

Larry 59:07

But But again, I'm just illustrating people who believe they're textualist you may not actually believe what you think you are. Because this is a textual interpretation of what banishment is and what it isn't. There's no banishment here by the textbook by what a textualist would go, what would they what the words meant at that time. And they did not mean what what what we're trying to twist them to mean today.

Andy 59:34

All right, let's move over to the your you are Mr. Due process, there was something in here about due process claim, and it also was struck down, shut down. What was that about?

Larry 59:46

Well, I'm actually I'm not an expert on due process.

Andy 59:49

I didn't say you were an expert. It's just one of your favorite things though. You are all about some due process.

Larry 59:54

I am but the case law didn't support that. So I just cut straight from the opinion That the Supreme Court has held what due process to protect fundamental rights and liberties and it cited Supreme Court decision of Washington versus Glucksberg. And then they said in the decision, this is their words, not mine. The Apolise failed to show how Colorado SORNA violated their fundamental rights. They cite no case holding that compliance with sex offender registration law implicates a deeply rooted fundamental right. Rather, all courts that have considered the issue have concluded otherwise. So it may in people's opinion, you may be entitled to due process, but the courts don't agree with you. They say that there's no due process here For for people on the registry. They say your due process occurred when you were convicted. That's where's your due process.

Andy 1:00:48

I'm like, I don't I don't know what their due process claim was that what did they think that was being violated? Like, was it what they say like due process rights when they go to Home Depot to get the Job and Home Depot says you can't have the job? Like that was the violation?

Larry 1:01:04

I haven't read the original complaint in a long time. But but I think it had more to do with getting off the registry. There was a process existed, but I'm not sure on that. So I just chose to go straight from what the court said that they had failed as a service to the court. The court was very harsh on them. And I'm glad that I've got the language from the court because I don't want to criticize Allison at all. But the Court made it clear that this case sunk because there was a failure to distinguish themselves from binding precedent. That's what the court said in here. And that's not me saying that. That's the court saying that the three-judge panel said there was a failure to for them to distinguish. And, in fact, I highlight that paragraph the panel emphasized that Supreme Court precedent and our governing case law compel us to reject the district court's decision. Upon De Nova Review which means a brand new analysis of the application of the Mendoza Martinez factors we conclude the Apolise have not presented the clearest approve punitive effect and therefore see Sora is not punitive, as applied to Apolise according to the Eighth Amendment does not bar application in this case, that's on page 16, 17 of the opinion.

Andy 1:02:21

Oh, hey, uh, let's let's talk about that disabilities and restraints piece. So the panel found that CSRA and that's the Colorado sex offender registration act, I assume? (Larry: Yes.) All right. So it did not impose any disabilities and restraints. It looked like the person at Home Depot like they like he didn't get fired from his job. But they moved him to another place where they wouldn't allow him to work or something like that. I thought that's how I read it.

Larry 1:02:52

So well, maybe they did.

Andy 1:02:54

so he lost his job in effect of it but not like it wasn't the government. They said, Hey, we're going to move you over here to this different place. Oh, damn, that's within 1000 foot restriction zone. Well, if there was, no, no, I know. So that wasn't the case. But so that would be so if there aren't those kinds of things. So now you're just your information is published on a website, which certainly is a disability in restraint on its own, then what are the disabilities and restraints that they were claiming?

Larry 1:03:25

Well, again, I don't remember the specific complaint. But But disabilities and restraint, the way you win these cases is when you have clear cut disabilities or restraints, where you're not allowed to live places, you're not allowed to work places you're not allowed to be present in places you have. You have significant impairments in your daily life. And the Colorado registry does not impose that. there's I think registry, residency restrictions in Inglewood. And I don't know if those have been struck down or if they're still operating. But But as far as the state registry, there are no restrictions in terms of where you can live, What you can do. So the disabilities that were cases have gone well have been because they were clearly disabilities and restraints, things you have to do. The only thing that that they made somewhat of a showing was that you have to report into the registration office on a periodic basis but they did not find that to be sufficient as far as a disabling because you only have to do it once a year in most cases in Colorado, and they didn't find that to be enough.

Andy 1:04:25

It's a big statement you might have to drive really far to get to your office.

Larry 1:04:29

Well, it depends on I think they do it through the sheriff's in Colorado so you would have to go to the county seat or where the sheriff's office would be if that's the way to actually do it.

Andy 1:04:41

All right. Well, this is like a total crap decision Larry and I know that our I know particularly Will is deeply upset because they ruled against us even though I one thing that I want I want to really strongly emphasize is to me, I guess we should all be sad that this happened, but it happened. And you can like rationalize and logically work your way around where we could improve in the future. So I don't want to just say, well, damn, it sucks. We should have had the ruling in our favor just because it should be in our favor. But like you're you're you're describing it that they made, like I think you're saying they made the proper decision might not

be the quote unquote, like the humane right decision, but they they analyzed it, correct? I think.

Larry 1:05:26

well, I try not to be quite that strong because legal minds can disagree. what I'm telling you is that what they decided, is legally defensible to come up with that conclusion. If you if you're not an activist court, and let's let's just back up, in a democracy such as we have, when we allow people to impose their own rules on themselves through the elected who they elect and through self-governance. for a black robe to come in and say I don't like what you've done, I'm going to disallow what you've done is the strongest of all medicines. And I wish I would have found that Judge Richard Cough from Nebraska when he actually succinctly put that in his decision when he found Nebraska registration to be constitutional. He said, simply me liking it, And me wearing a black robe doesn't entitle me to nullify the people's work. You're talking about exceptionally strong medicine. When you when you say you, all you people out there collectively with the folks you elected, have made a mistake, and I don't like it. And that's not how we set this country up to govern. We set it up for people to be able to decide how to govern themselves and to impose things on themselves. And bad policy doesn't magically become unconstitutional. Because you don't like something that doesn't magically make it unconstitutional. And registration in and of itself, just the mere act of registering someone, whether it be on a sex offender registry, whether it be on a young man's draft registry, whether it be for the children of Flint that have been exposed to lead water, whether it be any type of registry, whether it be a voter registration registry, registries do not necessarily inflict any punishment, or any disabilities or restraints. So registries are not inherently unconstitutional. You could register, you could register sex offenders constitutionally if you chose to.

Andy 1:07:24

Yeah, and we have a pretty thorough example of that an episode or two back, Will is asking the question says do the court weigh the fact that the publication of the registry allows vigilantes to use registry as a hitlist to carry out murder? And also he was telling me that one of the plaintiffs also had some sort of website where they were extorting his information like, Hey, here's your information. They were doxxing him I guess, and if he paid them X dollars, they wouldn't take the information down. And what I wrote to him and please correct me if I'm wrong, is that I don't think that they were in a position to introduce new arguments of Allison didn't bring it up, then they weren't going to introduce it on their own.

Larry 1:07:58

Well, you're correct, and at the appellate at the appellate level you don't introduce new evidence that wasn't reviewed below. appellate courts are not reviewing evidence. They're I mean, they're not reviewing new evidence. They're reviewing the evidence that was that was introduced And they're determining it based on the law. So you don't get to bring new evidence in on appellate review. And that that's that's what really confuses people. They think that oral arguments is a hearing to put in new evidence. it is not.

Andy 1:08:28

And you think that with the public use argument help win cases?

Larry 1:08:34

I think it could. I think that as the impact of the internet becomes more apparent and has become so prevalent. I think that is a cause of action. I do not believe it was a part of this case, necessarily, but I don't know for sure be good, good thing to have. If Alison she's probably very, very, very sad. trying to figure out what to do next and what the right course of action is, but it'd be a good thing to have her come on and talk more about what the strategy was at the time. And those particular claims what why they were, why they were put forth the way they were. But everybody on the registry, some, you may not have, you may not have the same claim here, you just because you're in the registry, there may be multiple versions of things. in New Mexico, depending on when you when you finished your sentence, paid your debt to society, the disabilities are considerably less and the requirements are considerably less. It may be so you your cause of action may be different based on your individual facts. And she she didn't she didn't pick what the particular facts were of those individuals. they were what they were so I don't really know enough about it. But I think what what what we can learn about this, and that's when you're when you're trying to strike down laws being unconstitutional. You never just think about the district court, you might think you've got the district judge in your pocket, and you may think they get it and they may very well get it. Judge Richard did get it. But you have to realize that the state is not going to stand idly by and say, Oh, well, if judge Richard said so, well, of course that makes it all right. They're going to appeal. And you have to think about where this case is going to be. When is the appellate level review? What is going to go wrong? And I said at the time that this case was very weakly supported on evidence, there just wasn't enough of it at the time of the punitive effects, and certainly not cruel and unusual punishment. That is an almost impossible standard to meet when you talk about something being called cruel and unusual punishment. Let's talk about the cruel and unusual punishment. We put people in all sorts of of capital punishment situations, I think the electric chair might still be in use. And if it's not, we, we've states who couldn't buy the potion have resorted to alternate means of execution and alternate drug concoctions and the Supreme Court has said over and over again, we've played Scalia saying that the death penalty is not cruel, nor is it unusual. It amused me that people if if they can put you to sleep permanently, using very painful and very I mean savage means if they can do that to you, and that isn't cruel and unusual, it's hard for me to imagine that a cruel and unusual finding would be upheld by an appellate review by simply having to report into a registration office periodically. That doesn't seem nearly as cruel as having an electrode put on your head and having thousands of volts of electricity put through your body and you dying

Andy 1:11:41

it sounds to me like more of your liberal standards changing decency mumbo jumbo stuff.

Larry 1:11:47

Well, but but the the it's difficult to meet the cruel and unusual punishment. That is, when I saw that finding at the time, I said, Wow, we've had very few findings around the country that registries inflict punishment, much less the next level of that punishment being cruel and unusual. And that made that decision very vulnerable to begin with, because it was a, it was a long reach to say it's cruel and unusual, and particular with very thin evidence

underneath with no experts, if you're going to claim that the registry causes people not to be able to find housing, that nobody rents to them, where's your evidence? This is not one of those things, where judicial notice can be taken. Where judicial notices when something is so accepted as to be a fact of life that you can ask the court to take judicial notice. And the court could do that and you don't have to prove out a point. But we don't have the proof that we can ask the judge to say, the judge asked for judicial notice that simply the person being on the registry, that all landworks denied them, and they accept other felons. You're going to have to have evidence that other felons get through because if I'm the state, I'm going to argue, well, it's the felony record. this apartment complex, I look at their application and it says, Have you been convicted of any felony? just so happens that offense is a felony. So therefore, he got denied because he's a felon not because he's on the sex offender registry. Now you and I know that that's not the case. We know that people get denied simply because on the registry and other fellows will get through, but you have to prove it.

Andy 1:13:21

There. Let me throw this at you, Charles and Chet, just slightly off topic. But related, he says that a up in New Jersey, there was a judge's son who was killed a few weeks ago, by a vigilante now the judge is calling for judges addresses and personal information tonot be available to the public online. It's an identical situation, just obviously, like the judge isn't a convicted felon of any sort and all that, but it's the same thing just sort of inverted over so if we could make the logical step that, oh, my god, these public officials, maybe we should keep their information private, then Wouldn't that go to say that PFRs' information should add a minimum be Leo only?

Larry 1:14:02

How would we be able to NARSOL has written about that, and we published it. But being that visual impairment, he wouldn't have been able necessarily to read that, but we just released. Was it yesterday, the day before? We just wrote something about that. And we did a comparison about what the judge and sex offenders have in common. And so is there a way that that can be provided to to Charles where he can hear what we wrote?

Andy 1:14:29

I have no idea how to answer that one.

Larry 1:14:33

anything that converts text to words to talk?

Andy 1:14:37

Sure He's got all kinds. He's he's got all kinds of applications that do that he even has a service where he can...

Larry 1:14:45

I'll provide the the article from the NARSOL website and he can convert it but Yes, there is. There is some there's some argument there and there was a little disagreement. I wouldn't call it a significant disagreement, but there was discussion even before we released that about adverse impact and consequences of people criticizing us saying that, but we did draw a comparison. the judges son was killed, the husband was seriously wounded. And it's easier to find a person on most state Sex Offender Registry that has a

federal judge who you have to go through a lot more work to find out where they live.

Andy 1:15:25

I bet you they go into it knowing that their information would be restricted to some degree.

Larry 1:15:30

Well, you do everything you can to not make it obvious where you live and they have security precautions at the courthouses for judges, but, but that was an innocent family that that suffered a serious criminal behavior. Yep, it was. And but we've had the same thing with people on the registry where family members had been in the crossfire and South Carolina comes to mind and even others and if we value human life, then, even though nobody cares about the person forced to register, what about the innocent people that are harmed by by these public registries? That was the point we tried to make in the blog is that if you care about people that are innocent being harmed, well, my goodness, what about the hundreds of thousands of people who have their address that are subject to all sorts of retaliation to family members and harassment and the victims, how they're being victimized? That doesn't seem to bother anybody.

Andy 1:16:27

Yeah. Kid at a school etc.

Larry 1:16:30

The family didn't do anything wrong. I mean, if if you want to look at it intellectually honest, this is a very close comparison in my mind.

Andy 1:16:39

I agree. Anything else? I we've been doing this one for, I don't know. 45 minutes?

Larry 1:16:45

Yeah, I think we've we've beat this dead horse and it's time to start wrapping up anyway.

Andy 1:16:49

Yes, it is. We can move right over to that. We got two new patrons this week, Larry. I think that's pretty much all thanks to you. So we got a Bradley and Brian. and Brian came in at a much more generous level and so thank you very much to both of you. mucho mucho mucho mucho.

Larry 1:17:05

And in fact, it gives me a chance to pontificate. Brian's level is supporting someone who's wants to, he wants us to provide a transcript to. And he said he didn't have anybody that came to mind. But he said, If you receive an indigent request, fill it, and we have, and we will, we've received a number of indigent requests. Like the transcripts, I found them to be fabulous, but I can't afford it. And those of you that are reading the transcripts in prison, we realize that, that 10 bucks a month is expensive. That's why there's the option of having a patron supporter on the outside that has greater access to funds or consider pooling your resources within the transcript would probably be good for more than one person. I don't think it's going to disintegrate after one reads it. So pool your resources and have four of you go in together or whatever

number and and subscribe. We're not going to know how many people were reading it, the more the better as far as we're concerned. So so so that's another way to do it.

Andy 1:17:58

Absolutely, I would like everybody in every dorm in every institution to read about it.

Andy 1:18:06

Let's, let's play a voicemail message from one of our like forever. One of our original patrons, Larry, this is from Jeff. It will play eventually. Why can't I hear like trying to find out? I got to start this over then. Of course, of course I didn't have it set right Larry. Why can't you get like, hire the right kind of help?

Larry 1:18:29

Can't find them.

Captain Crazy 1:18:31

Good evening Larry and Andy. I hope you're both doing very well. I don't have a question tonight. I actually had a comment. Oh, and by the way, this is a Jeff from Kentucky Captain Crazy on Twitter. But anyway, a girl posted a picture of a guys mug shot with a link to his sex crime on Facebook and said where he worked and urged people not to shop there because of him. I was afraid she may cuss me out and call me a pedophile sympathizer but I reluctantly sent her a message on Facebook and explained to her that the guy may have kids that he's trying to support. And he probably has bills he needs to pay. And if we take away everything in his life that is positive, he is more likely to reoffend. And by the end of the conversation, she was anti registry. We talked a lot, but that was the gist of it. But the point of this message is, guys, you can't be afraid to talk to people about this. I know it's frightening. But no one's gonna do it for us. And yes, this girl that I talked to was not a lawmaker, but she was a member of the public and that's whose opinion we have to change, and I guarantee you, she will talk to other people about what I said to her, and maybe more minds will change because I messaged her. But anyway, that's all I wanted to tell you guys. And as always, fyp. Take care. Goodbye.

Andy 1:20:17

Thank you for that, Jeff. Really appreciate that was a I like that message a lot.

Larry 1:20:22

What a fabulous way to end the podcast. I mean, that is really indicative of what we're trying to get people to do. Is one on one education. And, and that's just such a positive outcome to have someone completely turn around in the course of a conversation. I mean, fantastic, Jeff.

Andy 1:20:42

You know, like, I think you brought it up that someone said, um, what does fyp stand for? You want to do you want to go over that again?

Larry 1:20:52

friendly young people.

Andy 1:20:54

Oh, no, that's Will's interpretation of it. So here's the scenario, Larry. Um, I am a let's see. I'm a local shoe salesman. All right, let's see I'm a fuller brush, is that the right, fuller brush salesman? and I come, I come to your door and I go. Good afternoon, I would demand to know who lives in this house, and I'm your front door, and I've stuck my foot in the door. I'm not gonna let you close it. And I say I demand to know who lives here. What is your response?

Larry 1:21:22

Well, it would not be very kind because I don't think you have any right to know who lives in the house. And I would say something that starts with F and ends with a K.

Andy 1:21:30

Frank?

Larry 1:21:34

I don't think we should we would say, we're a family oriented program, but I would say the whole thing is you have no right to know. And the pfrs have have have acquiesced and said yes, every time they ask that question, you have a right to know and the answer, rather than they have the right to know the answer is no, they don't and fyp.

Andy 1:21:53

And there's a podcast that I listen to that's very funny, and it's a science fiction one and they would use the word Juck. So you could probably figure it out from there. Which which letter Do you want to use? I forgot which one you said we were going to use. We have a an email question, excuse me a mail question from someone in prison. This is a new new segment that we're going to do.

Larry 1:22:14

Yeah, it's it's a, it's the one from Rigsby. And we don't have time for both. So we'll just do the Rigsby question. And you want me to read it, or do you want to read it?

Andy 1:22:24

I got it. So it says I'm an inmate at the Illinois DOC who currently has approximately 11 years left to do. I am a former resident of NM, New Mexico, a graduate of New Mexico State University and both my sons were born in New Mexico and they both still live there. Through the years, though the years...I don't understand what that says. I'm curious as to the situation for sex offenders there. First does the State of New Mexico except interstate compacts if I wanted to parole MSR, what is MSR?

Larry 1:22:55

Mandatory supervised release.

Andy 1:22:58

All right, secondly, are there Presence residency restrictions. Thirdly, I work in the wastewater treatment, could I still be certified in New Mexico with a felony or PFR offense? Finally, I see internet-based selling as maybe the only way to make it with the way employers will be looking at me. Does New Mexico restrict internet use? I just want to live and work and be productive citizen

again, do you think I can do well in New Mexico thank you in advance for all whatever help you can provide sincere.

Larry 1:23:26

This segment is coming about through our outreach to prisons now, and at NARSOL, we got a ton of letters for the legal corner, it started out slow and then through the years has built and we just select one a month or two per issue, generally speaking, and this is going to provide us an outlet to answer more questions because these I hate to throw away good questions. But if I can answer something that would again apply to more than just the person and he's got a lot of good questions buried in here. He says though years away, is what he means there. So he's planning in advance, his release is years away. And and so his first question, Does the State of New Mexico accept interstate compacts? Yes, all states do. Absolutely. You can apply to come to this state. When you get within a zone of release, you can make that application in prison in Illinois. Our state will do everything they can to deny your interstate compact request. And it doesn't matter if you're in Illinois or whatever state you're in, they're going to find if they have to measure or invent something, in terms of, of finding a way to deny you. Now, the second the second question, are there presence restrictions? No, not imposed by registration. But while you're under supervision, the corrections department does have residence and presence restrictions and they will be imposed on you. And that's how they deny a lot of the people they will say that your proposed residences is within 997 feet and 1000 they're looking for They'll figure out a way to measure it because their specificity is vague. They don't say if it's if it's from, from structure or structure, or from property line to property line, but they'll they'll come back after the 45 days to investigate. They'll wait to the 44th date, and it will send back to Illinois and say that, that it doesn't qualify and they deny that. So even though we don't have any residents, residence restrictions imposed by the registry, supervising authorities will impose those restrictions, and they will do everything they can to keep you from coming here. And then, in terms of the last question, I do not know the answer to that. We don't have any restrictions as far as the registry imposes on where you can work, you can work anywhere that will hire you. But the corrections department may decide that your job is inappropriate, they may not feel like they can supervise you adequately. You may have too much freedom. You may be doing door to door sales, you may be doing something that they say gee, that Job's not appropriate. And then on the final one about internet based selling. They're gonna do everything they can, particularly if they can come up with a shred of evidence in your file to severely restrict your access to the internet. And again, it's not the registry, it's the supervising authorities that will do that. And the if you want to be self-employed, which, again, that generally would be a good thing, because if you're paying taxes that's efficient to society, but they will tell you to go out and find a regular job which you can't find, which means you don't work and they will, they will try to prevent you from having an internet based job. That's just the way it is. That's not the answer he's looking for. But so whether you'd be a productive member citizen in this state, I would hope so. But I would be dubious based on what I know about how they treat people here.

Andy 1:26:42

And you are pretty well informed on how people are treated in that particular state.

Larry 1:26:46

I am indeed and I would encourage them to look at that as an option but be aware that it's not going to be it we've talked about interstate compact before it's not going to be it's not gonna be a piece of cake to get here. And if he does get here, everything that is in his MSR conditions imposed by Illinois come with him, plus whatever our authorities impose on him while they're supervising him, as long as they're reasonably similar to what they impose on people convicted of that type of offense here. So you don't get laxity. You get what your state imposed, plus what the receiving state imposes, and it could be it could be horrendous when you combine those two.

Andy 1:27:28

I think that totally wraps up everything that we have time to do.

Larry 1:27:34

Thank you.

Andy 1:27:35

All right. So here's like the quick info registrymatters.co is the website voicemail. (747)227-4477 email is registrymatterscast@gmail.com and we love all of our listeners, but we especially love the people that support us that make all this possible and fun. patreon.com/registrymatters Find us on YouTube, Twitter, all that stuff. Search for us on your podcast app and you can search for registry matters everywhere. Larry, you are an amazing amount of knowledge. And I appreciate all the time that we spend doing this and I will see you on the other side for the Patreon extra.

Larry 1:28:13

Thanks a lot and Good night everyone and good day, whatever time you're listening to it. Thanks for listening and supporting us. Bye

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